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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,093	10/24/2001	Peter R. Paradis	11876/3	1057

7590

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KENYON & KENYON  
Suite 600  
333 W. San Carlos, Street  
San Jose, CA 95110-2711

EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/028,093

**Applicant(s)**

PARADIS, PETER R.

**Examiner**

Andre Boyce

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 15, 2006 has been entered.
2. Claims 1-7 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al (USPN 6,389,454), in view of Straube et al (US 2002/0007287).

As per claim 1, Ralston et al discloses a method for scheduling appointments (scheduling system 10, see Figure 1) comprising, sending a task request from a client to a server system (client 20 request to schedule server 80 and remote schedule servers 38, 48, 58, see column 4, lines 38-42 and column 5, lines 21-24), the task request including patient identification (see column 4, lines 50-53) and

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resource identification (i.e., specific facility, see column 4, line 56), loading the associated patient schedule and resource schedule from a database into the local memory (servers 38, 48, 58 access data from facilities 35, 45, 55, and transmit to server 80, see column 5, lines 24-27) if said schedules are not available at said server system, and determining available times for the resource schedule at the server system (server 80 generates appointment candidates, see column 5, lines 27-28). Ralston et al does not explicitly disclose determining, at the server system, whether schedules associated with the patient identification and resource identification are stored in local memory to the server system. Straube et al discloses an electronic document delivery system (§ 0004), including time of a patient's next appointment (abstract). Further, when a user requests information (i.e., appointment time) from database server 111, the system first checks for a more recent local copy of the information, before retrieving the information from data warehouse 112, thereby avoiding a lengthy download (§ 0038). Straube et al also discloses providing a seamless and secure integration with scheduling systems (§ 0042), therefore it would have been obvious to one having ordinary skills in the art at the time the invention was made to include checking a local database server for the information in Ralston et al, as seen in Straube et al, as an efficient means of determining and retrieving information, thereby avoiding lengthy downloads.

As per claim 2, Ralston et al discloses the determining available times step beginning from a start timestamp provided in the task request for a period of time

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(client appointment preference data, including date and time, see column 4, lines 55-56).

As per claim 3, Ralston et al discloses the determining available times step of moving to a next time period of time if not available times for the resource schedule are found (determined via the resource availability mask, see column 4, lines 41-43).

As per claim 4, Ralston et al discloses wherein after the determining available times step, at least one available time being transmitted from the server to the client (see column 5, lines 63-65).

Claim 5 is rejected based upon the rejection of claim 1, since it is the system claim corresponding to the method.

As per claim 6, Ralston et al discloses a client coupled to the server system via a transmission medium (transmission medium 70, see column 4, lines 41-43).

As per claim 7, Ralston et al discloses a database coupled to the server system (data from facilities 35, 45, 55, see column 5, lines 24-27).

### ***Response to Arguments***

5. In the Remarks, Applicant argues that neither Straube nor Ralston disclose or suggest determining, at the server system, whether schedules associated with the patient identification and resource identification are stored in local memory to the server system. Specifically, Applicant asserts that neither Straube nor Ralston disclose or suggest the features in the claim of the server receiving a task request from a client and the server determining whether the requested data is stored local

to the server or not does not. The Examiner respectfully disagrees. First, the Examiner submits that "the server determining" is not the same as "determining, at the server system." Although, the verbiage appears to be similar, the meanings are distinct. Determining, at the server system does not necessarily imply that the server is making the determination. As such, it is noted that the features upon which applicant relies (i.e., the server determining) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, Straube discloses the user requesting information from database server 111, wherein the system first checks the database server 111 for the information (i.e., local to the server), wherein the data may be downloaded from data warehouse 112 (¶ 0038). As such, the client software in Straube indeed determines, at the server system, whether schedules associated with the patient identification and resource identification are stored in local memory to the server system.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number

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for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adb  
March 20, 2006



ANDRE BOYCE  
PATENT EXAMINER  
A.U. 3623